

Town of Proctor Selectboard Meeting Minutes

Draft

August 22, 2016

6:00 p.m. – 9:12 p.m.

Board Members Present

Bruce Baccei, Chair
Bill Champine
John Jozwiak
Joe Manning
Frank Wolff

Employees Present

Lisa Miser, Recorder
Brian Cannucci, Highway Department
Alan George, Town Attorney
Stan Wilbur, Town Manager

Other Guests Present

Patrick Burke
Dan Colton, Rutland Herald
Carol Grace
Jodi Jones
John Jones
Lee Kahrs, Reporter
Dan Kearney
Angela Oberg
Bob Protivansky
Carol Protivansky
Peg TV

Agreements/Approvals

- Consensus to approve agenda with one addition under Additional Items: GMP Canoe Portage Design Change.
- Majority approved August 8, 2016 regular meeting minutes, with three changes.3-2
- Unanimously approved August 12, 2016 special meeting minutes as written.
- Unanimously to seek bids for an excavator rental.
- Unanimously agreed at 6:54 p.m. to recess the meeting of the Selectboard and convene Board of Water Commissioners.
- Unanimously approved changes to the Proctor Water Ordinance. Adoption date August 22, 2016
- Majority agreed to place letters for 31 Chatterton Park & 21 Grove Street in file. 3-1-1
- Unanimously agreed at 8:00 p.m. to adjourn the Board of Water Commissioners and convene the Board of Sewage Commissioners.
- Unanimously agreed at 8:08 p.m. to adjourn the Board of Sewage Commissioners and resume the meeting of the Selectboard.
- Unanimously approved Bruce Baccei as VLCT voting delegate.
- Unanimously approved FUA 12/2/15-12/4/16 for Catamount Radio, pending insurance submission.

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- Majority approved grant from Evelyn Peterson Recreation Trust Fund of \$7,326.72 to the Proctor Soccer League.4-0-1
- Signed orders totaling \$32,746.07.
- Unanimously agreed at 9:12 p.m. to adjourn the August 22, 2016 meeting of the Selectboard.

Action Items

I. Call to Order - Pledge of Allegiance

The meeting was called to order at 6:00 p.m. and began with a pledge of allegiance to the flag.

II. Review and Approve Agenda

Consensus to approve the agenda with one addition under Additional Items: GMP Canoe Portage Design Change.

III. Review of Minutes

John Jozwiak made the motion to approve the August 8, 2016 regular meeting minutes with three changes; page 2, John Jozwiak made the motion and Bill Champine seconded July 25, 2016 minutes, page 2 add that equipment is missing, the Steam Jenny for culverts which Stan Wilbur gave to GMP, and page 6 John Jozwiak abstained from the Pie in the Face Challenge. The motion was seconded by Bill Champine, approved by majority 3-2, John Jozwiak and Joe Manning voted no.

Bill Champine made the motion to approve the August 12, 2016 special meeting minutes as written. The motion was seconded by John Jozwiak, unanimously approved.

IV. Open Public Comment

Carol Grace: Carol Grace was present to inquire to the status of her written response from the Selectboard, as four weeks have elapsed. Bruce Baccei replied that he had lost/misplaced the letter and needed a copy. Carol Grace read the letter in its entirety again and provided a copy to Bruce Baccei.

Dan Kearney: Dan Kearney expressed his agreement with Carol Grace on numerous issues. He encouraged the Selectboard to be more actively involved in the decision making process. He fears that Proctor is headed toward financial hardship.

V. Guests

Jodi Jones: Jodi Jones was present to discuss water concerns, surrounding the approval by the Selectboard of an alternate water source for a resident and the removal from the water billing cycle. She is concerned about the loss of revenue and the increase cost being passed to the remaining water users. She requested that the 14 properties be placed back in the water billing cycle. Jodi Jones expressed disappointment in the lack of leadership on the part of the Selectboard and Town Manager. [Jodi Jones provided Lisa Miser with a copy of her letter to the Selectboard and requested the letter be attached to the August 22, 2016 Selectboard minutes.](#)

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VI. Good Stuff

The following groups/organizations were recognized for their outstanding service to the Proctor community: The Beaver Pond recreation area will not require a Wetlands Permit. This is good news that allows improvements such as dredging and adding sand to the beach area.

VII. Highway Department

- **Manager's Report**

Field Activities:

- Road patrol (daily)
- Backfill shoulders on West Proctor Road
- Split and stacked wood
- Painting x-walks and stop bars
- Trenching and Shoring Class (2 days)
- Stump grinding cleanup
- Clean up roads after heavy rain – Pick up limbs/repair washouts on Olympus Road
- Repair washouts at pool
- Removed brush and limbs from sign view
- Surface cleaning catch basins
- Cleaned up garage
- Service chainsaws

Pending Activities:

- Road Stripping
- Potholes and raveled edges of pavement – Warner /Olympus
- Culverts and road surface inventory with RRPC - grant
- Storm drains and catch basins
- River Street storm drain replacement – this could be a significant cost, 3 catch basins and 100 feet of pipe

Overtime: No overtime.

- Roadside Mower: Stan Wilbur provided a handout with specs for a Tractor mower package and requested permission to go out to bid for a similar piece of equipment. He explained the current roadside tractor/mower has a crack in the frame and that the tractor is 30-35 years old. The Equipment Fund currently has \$170,000.00 in the account. Frank Wolff made the motion to authorize the Town Manager to place this equipment out to bid from three vendors and to add a bucket to the spec list. The motion was seconded by Bruce Baccei, motion failed 2-3, Bill Champine, John Jozwiak and Joe Manning voted no. Stan Wilbur noted that there will be no roadside mowing going forward.
- Excavator Rental: Stan Wilbur recommended renting an excavator for ditching work to be completed in town. He explained that rental pricing can be with or without an operator. He provided one rental example, \$3,250.00 to rent without an operator for 28 days; pick-up/delivery is an additional cost. Frank Wolff made the motion to authorize Stan Wilbur to

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seek rental bids for an excavator with or without an operator. The motion was second by Bill Champine, unanimously approved.

- Other New and/or Old Business: Per John Jozwiak:
 1. Holden Avenue repair – John brought this to the Town Managers attention 120 days ago
 2. Olympus/Warner – This issue was brought to the Town Managers attention 90 days ago
 3. Church Street – Pot hole
 4. Loop Street - Disaster
 5. WWTF Fence – Request for clean up over 60 daysStan Wilbur explained that some items are not on the priority list. The priority list is compiled by urgent and then necessary. He assured the Selectboard these issues will be addressed in timely manner.

VIII. Board of Water Commissioners

Bill Champine made the motion at 6:54 p.m. to recess the meeting of the Selectboard and convene the Board of Water Commissioners. The motion was seconded by Frank Wolff, unanimously approved.

- Manager's Report
 - Hydrant replacement on Meadow Street – waiting for drawing
 - Turning hydrant on Elm Street
 - North Street valve
 - Leak at 37 High Street – leak at corporation, the connection is in the basement of the house. The corporation belongs to the town, waiting for recommendation from Simon's.
- Water Supply Rules and Regulations - Discontinuance of water service/Curb stop ownership/Rate structure:

Alan George, Town Attorney led the conversation about changes to the Proctor Water Ordinance which would preclude leaving the Proctor Water System. Alan George provided a draft of changes to Article 1 and Article V. Alan George explained that changes would need to be made to the ordinance to require existing users to remain on the system as well as compelling new users to connect to the Proctor Water System. Extensive conversation resulted in changes to the proposal by Alan George.

Bill Champine made the motion to add Section 4 and Section 5 under Article 1, to the Proctor Water Ordinance with the change to the proposal, add existing between “any” and “new” and change 100 to 1,500. To delete Section 5 under Article 5.

The motion was seconded by John Jozwiak, unanimously approved.

The adoption date is August 22, 2016 and becomes effective 60 days from the adoption date.

The 14 properties that have been disconnected will be placed back in the billing cycle. Properties attached to the Proctor Water System will be billed at the same rate, no matter if they are disconnected from the system.

Bruce Baccei will contact Rick Reed and inquire about a possible apartment in the garage.

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- 47 Taylor Hill – Discontinuance of Water Service: Consensus of the Selectboard to have Alan George review the letter and place on the next meeting agenda.
- 31 Chatterton Park & 21 Grove Street – Discontinuance of Water Service: Frank Wolff made the motion to acknowledge the receipt of the two letters/requests and receive in file. The motion was seconded by Bill Champine, approved by majority, 3-1-1, Joe Manning voted no, and John Jozwiak abstained.
- Taylor Hill Booster Pump Station Update: Bill Champine provided a project overview. The Meeting Minutes No.7 was provided for information.
- Other New and/or Old Business:

IX. Board of Sewage Commissioners

Bill Champine made the motion at 8:00 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the Board of Sewage Commissioner. The motion was seconded by Joe Manning, unanimously approved.

- Manager's Report
Will be adding Ormsbee Avenue to Simon's summer schedule for sewer lines to check.
- Other New and/or Old Business: Per John Jozwiak: Still waiting for jetter parts.

Frank Wolff made the motion at 8:08 p.m. to adjourn the meeting of the Board of Sewage Commissioners and resume the meeting of the Selectboard. The motion was seconded by John Jozwiak, unanimously

X. Committee Reports

- Parks and Recreation: Per Bruce Baccei: Pool will close 9/28/16 at 3:00 p.m. End of season meeting pending.
- Rutland Regional Transportation Council: Per Bruce Baccei: No meeting until September.
- Rutland Regional Solid Waste District: Per John Jozwiak: No meeting until September.
- Personnel Committee: Per Frank Woolf: Meeting with Stan Wilbur to review Personnel Policy.
- Fire Department: Per John Jozwiak: No report.
- Planning Commission: Per John Jozwiak: Still seeking a commission member.
- Town Office Study Committee: Per John Jozwiak: Next meeting September 13, 2016 at PES.
- Beaver Pond Committee: Per Bill Champine: Read from email that recreational space development does not require a wetlands permit.

XI. Additional Items Requiring Action from the Board

- Review of Bills & Signing of Selectboard's Orders: The Selectboard reviewed and signed orders totaling \$32,746.07.

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- VLCT Annual Business Meeting- Voting Delegate: Bill Champine made the motion to appoint Bruce Baccei as the Proctor voting delegate. The motion was seconded by Frank Wolff, unanimously approved.
- Park Facilities Use Agreement – Catamount Radio: John Jozwiak made the motion to approve and authorize the Chair to sign the FUA for 12/2/16 to 12/4/16, pending insurance submission. The motion was seconded by Frank Wolff, unanimously approved.
- Zoning Violation: For information only.
- Reappraisal – Letter to property owners: For information only. An inquiry was made to any possible consequence to a homeowner that refuses entry on their property/in their dwelling. Stan Wilbur will look into and report at the next meeting.
- Mortimer Proctor Trust – Youth Soccer League Application: The Selectboard chose not to authorize the submission of the application, due to questions about the tax ID #. Stan Wilbur will speak with the auditor to seek clarification on use of the Town's tax ID #.

Frank Wolff made the motion to authorize the request of \$7,326.72 be granted from the Evelyn Peterson Recreation Trust Fund. The motion was seconded by Bill Champine, passed by majority, 4-0-1, Joe Manning abstained. The public present applauded the Selectboard's decision and support of the program.

- Tax Sales – Town Bid: John Jozwiak will represent the Selectboard at the tax sale. He has no authority to bid on behalf of the Town of Proctor.
- Sullivan Powers & Company Management Letter – VLCT Recommendations: For information only.
- Planning Commission Vacancy: The Planning Commission is still seeking a member, contact Stan Wilbur or Dick Horner if interested.
- GMP Canoe Portage Design Change: The Selectboard requested that Stan Wilbur contact the individual now in charge and invite them to attend the next Selectboard meeting to discuss the design/layout changes.
- Budget Reports: Information only. Questions should be addressed to Stan Wilbur.
- Other New and/or Old Business: Joe Manning inquired to the ledge on Main Street noting this topic was last discussed on May 24, 2016. He reported that rock from the ledge is falling onto the sidewalk, which is a safety concern for pedestrians. The report will be provided for Selectboard members to review and placed on a future agenda for discussion. John Jozwiak questioned the increase in taxes for the Water Shed property. It was explained this property is in Current Use, and the per acre cost for Current Use increased this year resulting in the increase.
- Executive Session: No executive session needed.

XII. Adjourn

Frank Wolff made the motion at 9:12 p.m. to adjourn the August 22, 2016 regular Selectboard meeting. The motion was seconded by Bill Champine, unanimously approved.

I am here tonight as a concerned municipal water ratepayer. This statement will become part of the minutes. The motion passed regarding Mr. Reed's request is precedent setting, allowing for an alternate water supply and to discontinue billing, and is against Vermont law according to Vermont Statute Title 24 Ch. 89 ss 3315, which clearly states that this municipal corporation has the power and the authority to REQUIRE existing customers to REMAIN connected to the municipal system. So having acted outside the law, this Board MUST reverse it's motion.

More importantly, is the REASON for staying connected, the debt of over a 6 million dollar Bond. We have 14 properties in town that the SelectBoard approved a shutoff- AND they approved all 14 not to pay a water bill. This SelectBoard is authorizing a huge loss of revenue and ignoring the laws. read Title 24 Ch. 89 SS 3311. It is a municipal debt. Each ratepayer voted on the municipal debt, and is responsible for paying on the Bond. We don't meter water here. One person in a house, or 11 in a house. Use the water or not. We have a water bill based on a Bond payment. And we have over a 6 million dollar bond!! It is a municipal obligation and it must get paid. We also have people in town who have not been paying for their apartment property and need to start getting their second water and sewer bill, just like any other apartment house in town. Rick Reed should have a second water/sewer bill for the above garage apartment. I reported this to Water Commissioner Bruce Baccei, but he did not want to investigate. So why are some people billed for each apartment and some not-whether the apartment is lived in or not?? Other landlords/multiple homes are billed this way. The Board now needs to figure out how much money in ratepayer bills have been lost in revenue from each property, depending on how long each one was missed or stopped being billed. Those totals should be put against the properties, and the owners notified that the SelectBoard made a gross and negligent error, and billing be resumed. The other ratepayers should not have to pick up the slack. I hold this Water Board responsible. Ignorance is no excuse of the law.

Here are the only two options that can be done, and they should be addressed as a priority Option #1

- 1- You must reverse the motion made on 8/8/16 if you intend to follow the law.
- 2- You immediately need to address the lost revenue, draft letters to those ratepayers and look at every ratepayer to assess the tenent space for billing purposes and investigate immediately those already reported.

If that cannot be your priority then, then option #2 is:

- Frank Wolf, Bill Champine and Bruce Baccei: for passing such a motion and not considering the advise of your peers to look into the legal aspect, for blatant disregard for the best interest of our Town and Fiscal Management, I can only say you should turn in your resignations.

Last, for making recommendations in the worst interest of the town, not only on this issue, but many others, and being most unqualified for the position, I ask that the Town Administrator Stan Wilbur be fired immediately.

And the answer is not 'we'll look into it'. There needs to be action taken.

Respectfully submitted to be attached to the minutes
of 8/22/16 meeting of the SelectBoard of Proctor VT.
Jodi Jones.